

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS,	:	NO. 2:19-cv-05030-JDW
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
THE MIDDLE EAST FORUM, et al.	:	
	:	
Defendant.	:	
	:	

ORDER

AND NOW, this ____ day of _____, 2021, upon consideration of Plaintiff, Lisa Barbounis' Motion for Contempt for Failure to Comply with Court Order compelling AEO status of electronic communications and Defendants' withholding of evidence during discovery, is hereby ORDERED that Plaintiff's Motion is GRANTED.

It is further ORDERED that:

- (a) Defendants are found in civil contempt for failure to comply with the Court's Order.
- (b) Jury instruction will be provided to the jury to inform the jury of Defendants' consistent efforts to hide materials in discovery and that allows the jury to presume Defendants were successful in preventing the production of damaging material;
- (c) All AEO communications will be removed from the federal docket and filed under seal in accordance with the Court's AEO designation.
- (d) Defendants are to pay all costs associated with the filing of Plaintiff's motion including the costs to identify the withheld evidence.
- (e) Defendants are to pay attorneys' fees associated with the filing of Plaintiff's motion including the costs to identify the withheld evidence.

(f) On the _____ day of _____, 2021, Counsel for the Parties are to appear before the Court for a determination of attorneys' fees and costs; or

(g) Defendants may not rely upon at any stage documents or information that was not produced during discovery and that is not part of the record of evidence in this case.

(h) Defendants' counterclaims claims are dismissed, with prejudice, due to Defendants failure to fully engage in the discovery process which has thereby prohibited Plaintiff from receiving discovery to which she was entitled and which was necessary for Plaintiff to prosecute her claims and to against Defendants' counterclaims.

(i) Finding as a matter of law that Defendants' conduct resulted in damages to Plaintiff, Lisa Barbounis.

SO ORDERED BY THE COURT

Honorable Joshua D. Wolson, U.S.D.J.

DATED: